

Message Text

LIMITED OFFICIAL USE

PAGE 01 VIENNA 06710 201755Z

ACTION OES-07

INFO OCT-01 EUR-12 EA-07 ISO-00 ACDA-07 CIAE-00 INR-07

IO-13 L-03 NSAE-00 NSC-05 EB-07 NRC-05 FEAE-00

DODE-00 SS-15 SP-02 PM-05 H-01 PA-01 PRS-01

USIA-06 COME-00 TRSE-00 MC-02 /107 W

-----001897 201759Z /44

P 201722Z JUL 77

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC PRIORITY 2622

INFO USERDA HQ WASHDC PRIORITY

USERDA HQ GERMANTOWN PRIORITY

AMEMBASSY KUALA LUMPUR PRIORITY

LIMITED OFFICIAL USE VIENNA 6710

USIAEA

DEPT PASS GERARD SMITH AND ALSO NRC;

ERDA PASS ROBERT FRI AND NELSON SIEVERING

E.O. 11652: N/A

TAGS: IAEA, TECH, MY MX

SUBJECT: PROPOSED TRANSFER TO MALAYSIA OF TRIGA MARK II RESEARCH
REACTOR AND FUEL

REF: A) VIENNA 6563, B) STATE 158954, C) KUALA LUMPUR 4531

1. FOLLOWING IS TEXT OF IAEA LETTER EXPRESSING
CONCERN RE U.S. DECISION TO REQUIRE U.S.-MALAYSIA
BILATERAL AGREEMENT FOR COOPERATION FOR TRANSFER OF
RESEARCH REACTOR TO MALAYSIA DISCUSSED SEPTTEL.

DEAR MR. AMBASSADOR,

I AM WRITING IN REFERENCE TO THE REQUEST BY MALAYSIA
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 VIENNA 06710 201755Z

FOR THE CONCLUSION OF A PROJECT AGREEMENT FOR THE TRANSFER
OF A TRIGA MARK II RESEARCH REACTOR AND ITS FUEL FROM THE
UNITED STATES THROUGH THE AGENCY.

MR. GABBERT WROTE TO MR. KENYERES OF THE SECRETARIAT
ON 12 JULY 1977 THAT THE UNITED STATES WOULD REQUIRE THE
PRIOR NEGOTIATION OF A BILATERAL AGREEMENT FOR CO-OPERATION

BETWEEN THE GOVERNMENT OF MALAYSIA AND THE UNITED STATES GOVERNMENT IN CONNECTION WITH THE EXPORT OF THE RESEARCH REACTOR TO MALAYSIA.

I BELIEVE THAT CERTAIN POLICY ASPECTS OF THIS MATTER SHOULD BE BROUGHT TO THE ATTENTION OF THE UNITED STATES AUTHORITIES CONCERNED.

AS YOU KNOW, ONE OF THE PRINCIPAL STATUTORY FUNCTIONS OF THE AGENCY IS TO ASSIST MEMBER STATES IN SECURING THE SUPPLY OF NUCLEAR MATERIALS, EQUIPMENT OR FACILITIES FOR RESEARCH ON, OR DEVELOPMENT OR PRACTICAL APPLICATION OF, ATOMIC ENERGY FOR PEACEFUL PURPOSES. UNDER THE AGENCY'S STATUTE (ARTICLE IX), A MEMBER STATE IS REQUIRED WITHOUT DELAY TO DELIVER TO ANOTHER MEMBER SUCH QUANTITIES OF SPECIAL FISSIONABLE MATERIAL AS THE FIRST MEMBER HAS MADE AVAILABLE TO THE AGENCY AND AS THE AGENCY MAY SPECIFY. THE UNITED STATES HAS MADE SPECIAL FISSIONABLE MATERIAL AVAILABLE UNDER THE IAEA/US COOPERATION AGREEMENT, AS AMENDED. PURSUANT TO ARTICLE IV OF THAT AGREEMENT, THE UNITED STATES FURTHER UNDERTOOK, SUBJECT TO APPLICABLE LAWS, REGULATIONS AND LICENCE REQUIREMENTS, TO PERMIT, UPON REQUEST OF THE AGENCY, PERSONS UNDER THE JURISDICTION OF THE UNITED STATES TO MAKE ARRANGEMENTS TO TRANSFER AND EXPORT MATERIALS, EQUIPMENT OR FACILITIES FOR A MEMBER OF THE AGENCY IN CONNECTION WITH AN AGENCY ASSISTED PROJECT.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 VIENNA 06710 201755Z

THE REQUEST BY MALAYSIA THUS FALLS WITHIN THE PURVIEW OF THE US/IAEA CO-OPERATION AGREEMENT AND IS IN ACCORDANCE WITH ARTICLE XI OF THE AGENCY'S STATUTE GOVERNING SUCH PROJECTS. IN THIS CONNECTION I SHOULD LIKE TO POINT OUT THAT THIS WOULD BE THE FIRST INSTANCE WHERE IT HAS BEEN SUGGESTED THAT SUCH A TRANSACTION COULD NOT BE PROCESSED THROUGH THE AGENCY. SHOULD SUCH A POLICY BE FORMALIZED, IT WOULD INDEED HAVE A NEGATIVE EFFECT ON THE AGENCY'S STATUTORY FUNCTION AS A SUPPLIER OF NUCLEAR MATERIALS, EQUIPMENT OR FACILITIES.

MALAYSIA IS, AS YOU KNOW, A PARTY TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS AND HAS CONCLUDED THE SAFEGUARDS AGREEMENT WITH THE AGENCY REQUIRED BY ARTICLE IIIM1 AND III.4 OF THE TREATY (SEE INFCIRC/182). THE SECRETARIAT IS THEREFORE ESPECIALLY CONCERNED WITH THE EFFECTS THAT ANY NEW REQUIREMENT BY THE UNITED STATES SUCH AS THAT ONE REFERRED TO ABOVE MIGHT HAVE ON THE ATTITUDE OF STATES TOWARDS THE NON-PROLIFERATION TREATY.

THE MATTERS I HAVE REFERRED TO ARE QUESTIONS OF LAW AND PRINCIPLE AND I SHOULD BE GRATEFUL IF THEY COULD BE BROUGHT TO THE ATTENTION OF THE UNITED STATES AUTHORITIES CONCERNED.

AS A PURELY PRACTICAL CONSIDERATION, IT WOULD SEEM PARTICULARLY
INAPPROPRIATE TO PRESENT THE ADDITIONAL REQUIREMENT REFERRED
TO IN MR. GABBERT'S LETTER IN CONNECTION WITH THE SUPPLY OF
FUEL FOR A SMALL, UNIVERSITY-TYPE TRAINING AND RESEARCH REACTOR
WHICH COULD HARDLY UNDER ANY CIRCUMSTANCES BY USED FOR THE
PRODUCTION OF A SIGNIFICANT QUANTITY OF FISSILE MATERIAL.
MAY I ADD THAT THERE IS A PENDING REQUEST FROM MEXICO CONCERNING
ALSO THE SUPPLY OF A RESEARCH REACTOR AND ITS FUEL BY THE
THE UNITED STATES THROUGH THE AGENCY, WHICH IS BEING DEALT WITH BY
THE SECRETARIAT IN CONSULTATION WITH THE UNITED STATES
AUTHROITIES AND WHICH IS NOT MADE SUBJECT TO SUCH ADDITIONAL
REQUIREMENT.

YOURS SINCERELY,

JOHN A. HALL

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 VIENNA 06710 201755Z

ACTING DIRECTOR GENERAL

MEEHAN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RESEARCH, TEXT, POLICIES, SCIENTIFIC COOPERATION, DIPLOMATIC COMMUNICATIONS, NUCLEAR REACTORS
Control Number: n/a
Copy: SINGLE
Sent Date: 20-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977VIENNA06710
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770258-0154
Format: TEL
From: VIENNA USIAEA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770736/aaaabeti.tel
Line Count: 138
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e1f56d66-c288-dd11-92da-001cc4696bcc
Office: ACTION OES
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 VIENNA 6563, 77 STATE 158954, 77 KUALA LUMPUR 4531
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1797662
Secure: OPEN
Status: NATIVE
Subject: PROPOSED TRANSFER TO MALAYSIA OF TRIGA MARK II RESEARCH REACTOR AND FUEL
TAGS: TECH, MY, MX, US, IAEA
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/e1f56d66-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009